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Fighting for Employee Justice



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January 6, 2025

VIA ECF

Honorable Gregory H. Woods
United States District Judge
Southern District of New York
500 Pearl Street, Room 12C
New York, N.Y. 10007

Re: Igartua v. Florisun LLC, d/b/a Dazed
1:24-Civ. 6569 (GHW) (SDA)

Dear Judge Woods:

We represent Plaintiff Juan Igartua in the above-referenced matter brought pursuant to the Americans with Disabilities Act (“ADA”). We write now to respectfully submit a response to the Court's Order to Show Cause dated January 4, 2025, regarding our failure to comply with the Court's September 3, 2024, Initial Scheduling Order and subsequent January 2, 2025 Order (collectively, the “Court’s Orders”).

At the outset, we sincerely apologize to the Court for our failure to comply with the Court’s Orders in this action. This failure was by no means intentional. Rather, as set forth in more detail below and in the accompanying Declaration of Jon L. Norinsberg, Esq., our firm’s ADA Division has suffered significant losses in personnel over the past few months, resulting in our failure to properly docket, monitor and comply with the Court’s Orders. We are truly sorry for this oversight, and we will make sure that this mistake does not happen again in the future.

By way of background, this action was commenced on August 30, 2024, when Plaintiff filed a Complaint alleging violations of the ADA and related state and city laws based on Defendant's failure to maintain an accessible website. The Court issued an Initial Scheduling Order on September 3, 2024 requiring the parties to submit a joint status letter and proposed case management plan by December 31, 2024, in advance of the Initial Pretrial Conference scheduled for January 7, 2025. Unfortunately, this Order was never entered into the firm’s calendar. This mistake was due to largely to the departures of several key staff members who had worked in the firm’s ADA Division.

Specifically, as set forth in the accompanying Declaration of Jon L. Norinsberg, Esq., in the late summer and fall of 2024, our firm suffered the loss of several key staff members, including our lead counsel for the ADA Division, Nathaniel Peckham, Esq., and our senior paralegal, Dina Valmon, both of whom were integral to the management and prosecution of cases in the ADA Division. This staffing issue was further exacerbated by the sudden departure of Ms. Valmon's replacement, Adaciris Montesino, who had taken over as the lead paralegal of the ADA Division and who left the firm within one week of Mr. Peckham. All three of these departures took place over a period of three months, from August 23, 2024, to November 13, 2024, leaving a significant gap in our ADA Division.

Recently, the firm has undergone restructuring and a new Chief of the ADA Division, Arjeta Albani, Esq., has been assigned to ensure that there are no future oversights such as the one in this case. She has started working in the position as of December 18, 2024. We also recently hired a new paralegal, Siana Gratis, to help assist with the management of our ADA cases. We believe that the ADA Division is now fully staffed and we have implemented new workflow procedures to ensure that similar mistakes do not happen again.

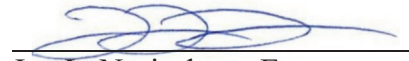
Nonetheless, we recognize that our office failed to properly respond to the Court's January 2, 2025, Order. This mistake was due to growing pains in the newly reorganized ADA Division. Upon seeing the Court's Order, Ms. Albani and the Chief Compliance Officer of the Division, Mitchell Pomerance, worked together to draft a letter to respond to said Order. However, due to a miscommunication between the two of them, the letter was never sent to defense counsel for review, nor was it filed with the Court. This was an unfortunate oversight but was in no way a willful failure to comply with the Court's Order.

Since the issuance of the Court's most recent Order dated January 4, 2025, our firm has spoken with defense counsel at length both over the weekend and today to discuss how best to proceed and with the hopes of resolving this matter amicably. While we have not yet been able to come to a resolution, we are confident that through our continued efforts, we will be able to resolve this case soon. In the interim, the parties have drafted a joint status letter and proposed case management plan, which we have submitted to the Court for approval.

For the reasons set forth above, as well as those in the accompanying Declaration, we respectfully submit that our failures to comply with the Court's Orders were neither willful nor intentional, but rather, were due simply to law office failure. We therefore respectfully request that the Court not impose sanctions on our firm.

We thank the Court for its consideration of this request.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jon L. Norinsberg', is positioned above a horizontal line.

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